**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.**

Crl. Misc. No. 79866-M of 2006
DATE OF DECISION : 19.02.2007

Ramesh

**....** PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. J.P. Dhull, Advocate, for the petitioner.
Mr. Sidharath Sarup, AAG, Haryana.

Petitioner Ramesh, apprehending his arrest in a non-bailable offence in case FIR No. 123 dated 3.3.2006 under Sections 147/148/ 149/186/353/341/506 IPC, registered at Police Station City Kaithal, District Kaithal, has filed this petition under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

On December 19, 2006, interim anticipatory bail was granted to the petitioner subject to his joining investigation.

I have heard counsel for the parties and have gone through the contents of the FIR as well as the order dated 15.12.2006, passed by Sessions Judge, Kaithal, whereby bail application of the petitioner has been dismissed.

Counsel for the petitioner contends that in the aforesaid FIR, it has been alleged that when the complainant along with other officials of his office went to the site for removing the illegally constructed shops in the controlled area, the petitioner tried to attack the driver of JCB machine and other officials present on the spot with bricks and stones and also threatened the driver of the JCB machine. Counsel contends that all these allegations are false and the only non-bailable offence in this case is under Section 506 IPC.

Counsel for the petitioner further states that in terms of the interim order dated December 19, 2006, the petitioner has joined the investigation. The State counsel, after having instructions from Avtar Singh ASI, does not dispute this fact and further states that the petitioner is no more required for further investigation.

In view of the above, without commenting on the merits, the interim bail, granted vide order dated December 19, 2006, is made absolute subject to the same terms and conditions.

Disposed of accordingly.

**February 19, 2007** **( SATISH KUMAR MITTAL )**
ndj **JUDGE**